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EXAMINER

HOSSAIN, FARZANA E

ART UNIT	PAPER NUMBER
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2623

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/909,468	Applicant(s) MCKENNA, THOMAS P.	
	Examiner Farzana E. Hossain	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-17,19-25,27-49 and 51-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-3,5-17,19-25,27-49 and 51-67 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6-15-06, 4-06-06</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to communications filed 06-13-06. Claims 1-3, 5-17, 19, 27, 41, 51 are amended. Claims 4, 18, 26, 50, 65(2<sup>nd</sup>) are cancelled. Claims 20-25, 28-40, 42-49, 52-64 are original. Claim 67 is new, which is the amended version of the 2<sup>nd</sup> Claim 65.

### ***Response to Arguments***

2. Applicant's arguments filed 06-13-06 for the 101 rejections have been fully considered but they are not persuasive. Claims 1-16 do not impart functionality. Please see rejections below.

3. Applicant's arguments with respect to claims 1-67 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

4. Claims 5, 27, 51 objected to because of the following informalities: The claims recite, "the program code is substantially machine-independent." It is unclear how program code can be substantially independent. Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 recites a computer readable medium comprising a program interface object (PIO) comprising a separate data structures encapsulating attributes, actions, and a visual indicator which does not impart functionality to a computer or computing device, and is thus considered nonfunctional descriptive material. Such nonfunctional descriptive material, in the absence of a functional interrelationship with a computer, does not constitute a statutory process, machine, manufacture or composition of matter and is thus non-statutory per se. A PIO is a data structure, which is embodied in computer-readable media and is considered non-functional descriptive material per se and is not statutory because the data structure is not capable of causing functional change in the computer. However, positive functional descriptive material on computer readable media will impart functionality.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 41-64 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 41 recites, "the PIO comprising a discrete container." The specification does not disclose a discrete container. The accompanying text of Figure 5 does not disclose this information. The Figures and specification discloses more closely to a PIO having a separate form for encapsulating the attributes, actions and visual indicator (Figure 5 of the applicant's disclosure). The Office assumes that the applicant disclosed the discrete data structure and discrete container to be similar and will be taken as such. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-3 5, 7-11, 14, 15, 17, 19, 24, 25, 27, 29-33, 36-38, 41-43, 48, 49, 51, 53-57, 60-62, 66 rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan

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(US 6,549,929) in view of Nijima et al (US 5,926,230 and hereafter referred to as "Nijima").

Regarding Claims 1, 17, 41, 66, Sullivan discloses a method and system for managing television (TV) programs received by an interactive TV system or information handling system or personal computer (PC) (Figure 1, 100, Figure 2, 100), the method and system comprising: a computer readable medium (Figure 1, 115, 120, 130, 135, Column 12, lines 50-52) comprising for each TV program, a program interface object (PIO) or program schedule information of a particular listing (Column 7, lines 33-67, Column 8, lines 1, 29-56) for representing a respective/particular within the interactive system, the PIO comprising a discrete data structure for encapsulating comprising or a discrete container for (Figure 3A, Figure 3B, Column 7, lines 33-67, Column 8, lines 1, 29-56) attributes carrying information about the TV program such as title, start and end time, internet addresses and description (Figure 3B, Column 7, lines 33-67, Column 8, lines 1, 29-56), a plurality of user selectable actions such setting a recording for the program and setting a reminder (Column 8, lines 42-45, 57-67, Column 9, lines 1-40, Figure 3C) that the user performs via the PC in connection with a particular program on the electronic program guide (EPG) (Figure 3A-3C), the user selectable actions being represented within the PIO as a program instruction for carrying out the respective action or being represented within the PIO as sets of program code or program of instructions for carrying out the respective actions or each record or remind event being represented by the PIO or listing (Column 3, lines 56-67, Column 9, lines 63-67, Column 10, lines 1-8); and a visual indicator or a program tile with text displayable in the

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graphical user interface (GUI) to facilitate user interaction with the PIO (Figure 3, Figure 3A, 32); a central processing unit (CPU) or display component is configured to display the user interface displays such as an EPG (Figure 3); displaying a list of all available actions for the selected PIO (Figure 3C); the CPU with the remote control or selection component receives user selection of the program title corresponding to the PIO or program schedule information and selection of an action (Column 3, lines 34-44, Figure 4A); and the CPU or action component configured to execute the program instruction from the PIO associated with the selected action within the interactive television system as the method and system has a program of instructions that is readable by a computer system with an operating system to implement a GUI interface to schedule the events or actions (Figure 4a, Column 9, lines 63-67, Column 10, lines 1-8). Sullivan is silent with the graphical user interface is other than a grid-based electronic program guide with rows and columns corresponding to channels and timeslots. Nijima discloses a method and system for managing television programs received by an interactive TV system, the method comprising: providing for each TV program, a PIO (Figure 5, 201) for representing a respective TV program with a discrete data structure for encapsulating attributes (Column 11, lines 11-22) and a visual indicator or the video for the graphical user interface (Column 7, lines 60-65, Figure 5, Figure 25, Figure 26), wherein the graphical user interface is other than a grid-based electronic program guide with rows and columns corresponding to channels and timeslots (Figure 5, Figure 25, Figure 26). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sullivan to include the graphical user

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interface is other than a grid-based electronic program guide with rows and columns corresponding to channels and timeslots (Figure 5, Figure 25, Figure 26) as taught by Nijima in order to allow a desired program to be selected rapidly with certainty, and intuitively, and directly from a large number of programs (Column 1, lines 5-11) as disclosed by Nijima.

Regarding Claims 2, 24, and 48, Sullivan and Nijima disclose all the limitations of Claims 1, 17 and 41 respectively. Sullivan discloses that the visual indicator includes a text description including title and brief description (Figure 3A, 46, Column 8, lines 39-44). Nijima discloses an image or video (Figure 5).

Regarding Claims 3, 25, and 49, Sullivan and Nijima disclose all the limitations of Claims 1, 17 and 41 respectively. Nijima discloses that audio can be played back with visual indicator (Column 9, lines 18-22, Column 12, lines 58-64). It is necessarily included that a playback component is configured to play back the audible indicator as CPU carries out the process of playing the audio related to the programming.

Regarding Claims 5, 27, and 51, Sullivan and Nijima disclose all the limitations of Claims 1, 17 and 41 respectively. Sullivan discloses that the events are associated with the PIOs or each specific program (Figures 3A-3C) and that the program code being substantially machine-independent to be executable in a virtual machine within the interactive television system and any destination device to which the PIO is sent such that the program code does not need to be installed on the destination device prior to receiving the PIO in order to perform an associated user selected action (Column 3, lines 56-67).



Regarding Claims 7, 29, and 53, Sullivan and Nijima disclose all the limitations of Claims 1, 17 and 41 respectively. Sullivan discloses that an attribute comprises a title of a program (Figure 3, 46).

Regarding Claims 8, 30, and 54, Sullivan and Nijima disclose all the limitations of Claims 1, 17 and 41 respectively. Sullivan discloses that an attribute comprises a starting time of a program a starting time of programs are displayed (Figure 3A, Figure 3B, 52).

Regarding Claims 9, 31, and 55, Sullivan and Nijima disclose all the limitations of Claims 1, 17 and 41 respectively. Sullivan discloses that an attribute comprises a running time of a program as the running time of programs are displayed (Figure 3A, Figure 3B, 52).

Regarding Claims 10, 32, and 56, Sullivan and Nijima disclose all the limitations of Claims 1, 17 and 41 respectively. Sullivan discloses that an attribute comprises a description of a program as the description of programs is displayed (Column 8, lines 41-42).

Regarding Claims 11, 33, and 57, Sullivan and Nijima disclose all the limitations of Claims 1, 17 and 41 respectively. Sullivan discloses that an attribute comprises an indication of channel on which the program is broadcast as the channels of programs are displayed (Figure 3, 47).

Regarding Claims 14, 36, and 60, Sullivan and Nijima disclose all the limitations of Claims 1, 17 and 41 respectively. Sullivan discloses that the display component or

graphics substation with CPU is configured to display an attribute of the selected PIO (Column 8, line 39-56).

Regarding Claims 15, 37, and 61, Sullivan and Nijima disclose all the limitations of Claims 1, 17 and 41 respectively. Sullivan discloses that the recording component or CPU is configured to record a TV program corresponding to the selected PIO using the recording device of the viewer station (Figure 3C, 39, Figure 4A, 510).

Regarding Claims 42, Sullivan and Nijima disclose all the limitations of Claim 41. Sullivan discloses a selection component or remote control with CPU to display in response to the user input of a visual indicator the list or menu of actions for a selected PIO (Figure 3C).

Regarding Claims 19 and 43, Sullivan and Nijima disclose all the limitations of Claims 17 and 42 respectively. Sullivan discloses that the menu is displayed in a context sensitive menu associated with the visual indicator of the selected PIO (Figure 3).

Regarding Claims 38 and 62, Sullivan and Nijima disclose discloses all the limitations of Claims 37 and 61 respectively. Sullivan discloses that the recording component or CPU is configured to record a TV program corresponding to the selected PIO at a time indicated by the program (Figure 3C, Figure 4A, Figure 4B).

11. Claim 6, 28, 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan in view of Nijima as applied to claims 5, 27, 51, further in view of Maryka et al (US 6,490,616 and hereafter referred to as "Maryka").

Regarding Claims 6, 28, and 52, Sullivan and Nijima disclose all the limitations of Claims 5, 27 and 51 respectively. Sullivan discloses transmitting program of instructions to the user. Sullivan and Nijima are silent on the program listing comprising one of a JavaBean object or a DCOM object. Maryka discloses a method and system of transferring objects between two computers or a server and a user device (Column 2, lines 43-50) and that the objects are JavaBean objects (Column 3, lines 5-7). Therefore, it would have been obvious to one of ordinary skill in the art to modify Sullivan in view of Nijima to include that JavaBean objects are transferred between a server and a user device (Column 3, lines 5-7, Column 2, lines 43-50) as taught by Maryka in order to deliver software to numerous devices with different hardware platforms (Column 1, lines 14-29) as disclosed Maryka.

12. Claims 12, 34, 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan in view of Nijima as applied to claims 1, 17, 41, further in view of Hassell et al (US 2003/0149980 and hereafter referred to as "Hassell").

Regarding Claims 12, 34, and 58, Sullivan and Nijima disclose all the limitations of Claims 1, 17 and 41 respectively. Sullivan and Nijima are silent on attributes of storage locations of television programs. Hassell discloses a system that transmits program guide information to the users (Figure 1, 22, Figure 5A). Hassell discloses that the EPG can provide listings of programs that are stored on digital storage device (Page 4, paragraph 0037), that a user can record a program on any mediums including DVD player with recordable DVD discs, magnetic storage drive, or removal storage (Page 2,

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paragraph 0020, Page 8, paragraph 0085), and that the program listing will have an attribute of the storage location of the program (Figure 5a, Figure 5b, Figure 21, 552, 528, Figure 4). Therefore, it would have been obvious to one of ordinary skill in the art to modify Sullivan and Niiijima to include that a program listing will have an attribute of the storage location of the program (Figure 5a, Figure 5b, Figure 21, 552, 528, Figure 4) as taught by Hassell in order to provide an EPG to users with storage information (Page 1, paragraph 0001) and to allow a more efficient way for users to navigate through program listings including listings that have been stored (Page 1, paragraph 0003) as disclosed Hassell.

13. Claims 13, 35, 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan in view of Niiijima as applied to claims 1, 17, 41, further in view of Ellis et al (US 2005/0251827 and hereafter referred to as "Ellis").

Regarding Claims 13, 35, and 59, Sullivan and Niiijima disclose all the limitations of Claims 1, 17 and 41 respectively. Sullivan and Niiijima are silent on providing alternative languages for the program guides. Ellis discloses that the program guide could have the option of changing the language to an alternative language to view the program in a different language in the program guide (Figure 31, Figure 32, Page 10, paragraph 0125), which reads on that an attribute of an alternative language for another attribute for the program guide. Therefore, it would have been obvious to one of ordinary skill in the art to modify Sullivan in view of Niiijima to include the option of changing the language guide to an alternative language to view the program in a

different language in the program guide (Figure 31, Figure 32, Page 10, paragraph 0125) as taught by Ellis in order to provide a customized EPG to users (Page 1, paragraph 008) as disclosed Ellis.

14. Claim 16, 20, 39, 44, 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan in view of Niijima as applied to claims 1, 17, 41, further in view of Lawler in view of Lawler et al (US 5,805,763 and hereafter referred to as "Lawler").

Regarding Claims 16, 39, and 63, Sullivan and Niijima disclose all the limitations of Claims 1, 17 and 41 respectively. Niijima discloses pressing the select button to select a program for viewing (Column 22, lines 49-61). Sullivan and Niijima are silent on a user selectable action that is configured to display the TV program. Lawler discloses a viewer station with interactive controller (Figure 1, 18, 23) and a PIO or program schedule information of a particular listing (Column 7, lines 10-12) comprising attributes carrying information about the TV program such as title, start and end time, and description (Figure 3, 108, 102), a plurality of user selectable actions such as going to a particular program, setting a recording for the program, setting a reminder, and ordering the program (Figure 5, 126, Figure 6, 136, Figure 10, 150) that the user performs via the STB in connection with a particular program on the EPG. Lawler disclose that the display component or graphics substation with CPU is configured to display a TV program corresponding to the selected PIO using the TV of the viewer station (Column 10, lines 42-53, Figure 5, 128). Therefore, it would have been obvious

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to one of ordinary skill in the art to modify Sullivan in view of Nijima to include that the display component or graphics substation with CPU is configured to display a TV program corresponding to the selected PIO using the TV of the viewer station (Column 10, lines 42-53, Figure 5, 128) as taught by Lawler in order to provide a program for viewing to a user based on whatever time is convenient for that user immediately or later (Column 1, lines 16-23) disclosed Lawler.

Regarding Claims 20 and 44, Sullivan and Nijima disclose all the limitations of Claims 17 and 41 respectively. Nijima discloses that the CPU or filtering component determines the program categories, which are most frequently enjoyed and have the corresponding PIOs displayed (Figure 25, Figure 26, Column 29, lines 10-40). Sullivan and Nijima are silent on a filtering component, which filters PIOs according to user specified filtering criteria. Lawler discloses a viewer station with interactive controller (Figure 1, 18, 23) and a PIO or program schedule information of a particular listing (Column 7, lines 10-12) comprising attributes carrying information about the TV program such as title, start and end time, and description (Figure 3, 108, 102), a plurality of user selectable actions such as going to a particular program, setting a recording for the program, setting a reminder, and ordering the program (Figure 5, 126, Figure 6, 136, Figure 10, 150) that the user performs via the STB in connection with a particular program on the EPG. Lawler disclose that the display component or graphics substation with CPU is configured to display a TV program corresponding to the selected PIO using the TV of the viewer station (Column 10, lines 42-53, Figure 5, 128). Lawler discloses that the STB controls the generation and display of the EPG and can

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have personalized EPGs based on user's personal preferences and viewing habits, therefore graphics substation with CPU will only display PIOs based on the user's preferences or filtering criteria (Column 7, lines 10-24, Column 14, lines 2-5). It is necessarily included that a population component exists to filter the PIO according to user criteria to display the specific EPG. Therefore, it would have been obvious to one of ordinary skill in the art to modify Sullivan in view of Nijima to include that generation and display of the EPG and can have personalized EPGs based on user's personal preferences and viewing habits, therefore graphics substation with CPU will only display PIOs based on the user's preferences or filtering criteria (Column 7, lines 10-24, Column 14, lines 2-5) as taught by Lawler in order to provide a program for viewing to a user based on whatever time is convenient for that user immediately or later (Column 1, lines 16-23) as disclosed Lawler to make it easy for a user to choose a program to view.

15. Claim 21-23, 45-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan in view of Nijima as applied to claims 17 and 41 further in view of Knudson et al (US 6,526,577 and hereafter referred to as "Knudson").

Regarding Claims 21 and 45, Sullivan and Nijima disclose all the limitations of Claims 17 and 41 respectively. Sullivan and Nijima are silent on receiving program specific information from a remote system. Knudson discloses an interactive television system that displays an EPG (Figure 5, 102). Knudson discloses a communication component that allows a user to receive a PIO or program related information from another user or remote system (Figure 18, Column 14, lines 5-20). Therefore, it would

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have been obvious to one of ordinary skill in the art to modify Sullivan in view of Nijima to include that a user can receive a PIO or program related information from another user or remote system (Figure 18, Column 14, lines 5-20) as taught by Knudson in order to for users to access program related information in new ways more efficiently (Column 1, lines 40-50) as disclosed Knudson.

Regarding Claims 22 and 47, Sullivan and Nijima disclose all the limitations of Claims 17 and 41 respectively. Sullivan and Nijima are silent on receiving program specific information from a remote system. Knudson discloses an interactive television system that displays an EPG (Figure 5, 102). Knudson discloses a communication component that allows a user to transmit a PIO or program related information to another user or remote system in response to user input (Figure 18, 1811, Column 14, lines 5-20). Therefore, it would have been obvious to one of ordinary skill in the art to modify Sullivan in view of Nijima to include that a user to transmit a PIO or program related information to another user or remote system in response to user input (Figure 18, 1811, Column 14, lines 5-20) as taught by Knudson in order to for users to access program related information in new ways more efficiently (Column 1, lines 40-50) as disclosed Knudson.

Regarding Claim 23, Sullivan, Nijima and Knudson disclose all the limitations of Claims 21. Sullivan discloses an interactive television system that displays an EPG (Figure 3, 50). Sullivan discloses that the method for checking any scheduled events such as recordings or reminders includes verifying the program with the scheduled event via the name and time and any changes causes events to be canceled and/or



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rescheduled (Figure 4B). It is necessarily included that the modifying of at least one attribute of a PIO in response to the schedule change otherwise the recording or reminding events cannot be cancelled and/or rescheduled.

Regarding Claim 46, Sullivan, Niijima and Knudson disclose all the limitations of Claim 45. Knudson discloses the program related information or PIO is received from another user via e-mail or TV Mail (Figure 18, 1811, Column 14, lines 5-20).

16. Claims 40, 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan in view of Niijima as applied to claims 37 and 61, further in view of Young et al (US 5,808,608 and hereafter referred to as "Young").

Regarding Claims 40 and 64, Sullivan and Niijima disclose all the limitations of Claims 37 and 61 respectively. Sullivan and Niijima are silent on locating a stored recording of the TV program using an attribute of the PIO and displaying it. Young discloses an interactive television system that displays EPG and allows users to record programs (Figure 1, 10 and Figure 2, 12). Young discloses that the user can locate stored recordings (Figure 13) using the attributes of the title of the programs and running times (Figure 13, 84), and to display the stored recording of the program (Figure 13, 100). It is necessarily included that the system includes a playback component as the user commands allow a user to locate and played stored recordings. Therefore, it would have been obvious to one of ordinary skill in the art to modify Sullivan in view of Niijima to include user can locate stored recordings (Figure 13) using the attributes of the title of the programs and running times (Figure 13, 84), and to display the stored

recording of the program (Figure 13, 100) as taught by Young in order to allow a more convenient method of finding program recorded (Column 10, lines 54-67, Column 1, lines 38-46) as disclosed Young.

17. Claims 65 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan in view of Nijima and Kamen et al (US 6,421,067 and hereafter referred to as "Kamen").

Regarding Claims 65 and 67, Sullivan discloses a method and system for managing television (TV) programs received by an interactive TV system or information handling system or personal computer (PC) (Figure 1, 100, Figure 2, 100), the method and system comprising: a computer readable medium (Figure 1, 115, 120, 130, 135, Column 12, lines 50-52) comprising for each TV program, a program interface object (PIO) or program schedule information of a particular listing (Column 7, lines 33-67, Column 8, lines 1, 29-56) for representing a respective/particular within the interactive system, the PIO comprising a distinct or discrete object for encapsulating comprising (Figure 3A, Figure 3B, Column 7, lines 33-67, Column 8, lines 1, 29-56) a plurality of attributes carrying information about the TV program such as title, start and end time, and description (Figure 3B, Column 7, lines 33-67, Column 8, lines 1, 29-56), a plurality of user selectable actions such setting a recording for the program and setting a reminder (Column 8, lines 42-45, 57-67, Column 9, lines 1-40, Figure 3C) that the user performs via the PC in connection with a particular program on the EPG (Figure 3A-3C),

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the user selectable actions being represented within the PIO as a program instruction for carrying out the respective action or being represented within the PIO as sets of program code or program of instructions for carrying out the respective actions or each record or remind event being represented by the PIO or listing (Column 3, lines 56-67, Column 9, lines 63-67, Column 10, lines 1-8); and a visual indicator or a program tile with text displayable in the graphical user interface (GUI) to facilitate user interaction with the PIO (Figure 3, Figure 3A, 32); a central processing unit (CPU) or display component is configured to display the user interface displays such as an EPG (Figure 3); the CPU with the remote control or selection component receives user selection of the program title corresponding to the PIO or program schedule information and selection of an action (Column 3, lines 34-44, Figure 4A); and the CPU or action execution -component configured to execute the program instruction from the PIO associated with the selected action within the interactive television system as the method and system has a program of instructions that is readable by a computer system with an operating system to implement a GUI interface to schedule the events or actions (Figure 4a, Column 9, lines 63-67, Column 10, lines 1-8). Sullivan is silent with the graphical user interface is other than a grid-based electronic program guide with rows and columns corresponding to channels and timeslots, a filtering component configured to filter an initial set of PIOs according to user specified filtering criteria, the visual indicator being an icon; that there is an icon display component to display the icons based on filtering criteria; or an icon selection component as all of these a visual indicator related. Nijima discloses a method and system for managing television

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programs received by an interactive TV system, the method comprising: providing for each TV program, a PIO (Figure 5, 201) for representing a respective TV program with a discrete data structure for encapsulating attributes (Column 11, lines 11-22) and a visual indicator or the video for the graphical user interface (Column 7, lines 60-65, Figure 5, Figure 25, Figure 26), wherein the graphical user interface is other than a grid-based electronic program guide with rows and columns corresponding to channels and timeslots (Figure 5, Figure 25, Figure 26). Niijima discloses that the CPU or filtering component determines the program categories, which are most frequently enjoyed and have the corresponding PIOs displayed (Figure 25, Figure 26, Column 29, lines 10-40). Kamen discloses an STB or receiver (Figure 2, 100, Figure 6, 100) that receives PIOs or program specific information to display an EPG (Figure 4). Kamen discloses that the user can select the type of program based on the EPG mode including EPG listed to display only sports programs or movies (Column 5, lines 9-13, Figure 2, Figure 2a). It is necessarily included that a filtering component exists to filter the PIO according to user criteria to display the specific EPG. Kamen discloses that the visual indicator can be an icon or pictogram corresponding to the programming (Column 5, lines 29-45), graphics circuitry or 3D graphics accelerator forms graphics images or icons or display component to display icons corresponding to program specific information satisfying the filtering criteria (Column 8, lines 58-60, Column 9, lines 52-67); and a remote control with the CPU allows user to select a particular image or icon and the CPU to read the image to display the program (Column 12, lines 35-50, Column 5, lines 48-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

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invention was made to modify Sullivan to include the graphical user interface is other than a grid-based electronic program guide with rows and columns corresponding to channels and timeslots (Figure 5, Figure 25, Figure 26) as taught by Nijima in order to allow a desired program to be selected rapidly with certainty, and intuitively, and directly from a large number of programs (Column 1, lines 5-11) as disclosed by Nijima.

Therefore, it would have been obvious to one of ordinary skill in the art to modify Sullivan to include that the visual indicator can be an icon or pictogram corresponding to the programming (Column 5, lines 29-45), graphics circuitry or 3D graphics accelerator forms graphics images or icons (Column 8, lines 58-60, Column 9, lines 52-67); and a remote control with the CPU allows user to select a particular image or icon and the CPU to read the image to display the program (Column 12, lines 35-50, Column 5, lines 48-65) and the user can select the type of program based on the EPG mode including EPG listed to display only sports programs or movies (Column 5, lines 9-13, Figure 2, Figure 2a) as taught by Kamen in order to provide an EPG that address the viewing habits of users quickly and efficiently (Column 1, lines 25-28, 56-62) as disclosed Kamen.

### ***Conclusion***

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FEH

August 4, 2006

  
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